

1
2
3
4
5
6
7
8
9
10
11
12
13

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

RICHARD W. PETERS,
Plaintiff,
v.
RAYMOND et al.,
Defendants.

3:15-cv-00493-RCJ-WGC

ORDER

This action is a *pro se* civil rights complaint filed pursuant to 42 U.S.C. § 1983 by a state prisoner. Plaintiff has submitted an application to proceed *in forma pauperis*. (ECF No. 1). Based on the financial information provided, the Court finds that Plaintiff is unable to prepay the full filing fee in this matter.

The Court entered a screening order on June 28, 2016. (ECF No. 12). The screening order imposed a 90-day stay and the Court entered a subsequent order in which the parties were assigned to mediation by a court-appointed mediator. (ECF No. 12, 14). The Office of the Attorney General has filed a status report indicating that settlement has not been reached and informing the Court of its intent to proceed with this action. (ECF No. 26).

During the 90-day stay, Plaintiff filed a motion to submit evidence, a motion for appointment of counsel, and a motion to extend prison copy work limit. (ECF No. 17, 18, 23). The Court specifically ordered that during the stay “no other pleadings or papers shall be filed in this case, and the parties shall not engage in any discovery.” (ECF No. 12 at 9). The Court now denies these motions without prejudice because Plaintiff filed in them in violation of the stay.

1 For the foregoing reasons, IT IS ORDERED that:

2 1. Plaintiff's application to proceed *in forma pauperis* (ECF No. 1) is GRANTED.

3 Plaintiff shall not be required to pay an initial installment of the filing fee. In the event that this
4 action is dismissed, the full filing fee must still be paid pursuant to 28 U.S.C. § 1915(b)(2).

5 2. The movant herein is permitted to maintain this action to conclusion without the
6 necessity of prepayment of any additional fees or costs or the giving of security therefor. This
7 order granting leave to proceed *in forma pauperis* shall not extend to the issuance and/or
8 service of subpoenas at government expense.

9 3. Pursuant to 28 U.S.C. § 1915(b)(2), the Nevada Department of Corrections shall
10 pay to the Clerk of the United States District Court, District of Nevada, 20% of the preceding
11 month's deposits to Plaintiff's account (**Richard W. Peters, #92314**), in the months that the
12 account exceeds \$10.00, until the full \$350.00 filing fee has been paid for this action. The
13 Clerk of the Court shall **SEND** a copy of this order to the Finance Division of the Clerk's Office.
14 The Clerk of the Court shall also **SEND** a copy of this order to the attention of the Chief of
15 Inmate Services for the Nevada Department of Corrections, P.O. Box 7011, Carson City, NV
16 89702.

17 4. The Clerk of the Court shall electronically **SERVE** a copy of this order and a copy
18 of Plaintiff's amended complaint (ECF No. 11) on the Office of the Attorney General of the
19 State of Nevada, attention Kat Howe.

20 5. Subject to the findings of the screening order (ECF No. 12), within **twenty-one**
21 (**21**) **days** of the date of entry of this order, the Attorney General's Office shall file a notice
22 advising the Court and Plaintiff of: (a) the names of the defendants for whom it accepts
23 service; (b) the names of the defendants for whom it does not accept service, and (c) the
24 names of the defendants for whom it is filing the last-known-address information under seal.
25 As to any of the named defendants for whom the Attorney General's Office cannot accept
26 service, the Office shall file, *under seal*, but shall not serve the inmate Plaintiff the last known
27 address(es) of those defendant(s) for whom it has such information. If the last known address
28 of the defendant(s) is a post office box, the Attorney General's Office shall attempt to obtain

1 and provide the last known physical address(es).

2 6. If service cannot be accepted for any of the named defendant(s), Plaintiff shall
3 file a motion identifying the unserved defendant(s), requesting issuance of a summons, and
4 specifying a full name and address for the defendant(s). For the defendant(s) as to which the
5 Attorney General has not provided last-known-address information, Plaintiff shall provide the
6 full name and address for the defendant(s).

7 7. If the Attorney General accepts service of process for any named defendant(s),
8 such defendant(s) shall file and serve an answer or other response to the complaint within
9 **sixty (60) days** from the date of this order.

10 8. Henceforth, Plaintiff shall serve upon defendant(s) or, if an appearance has been
11 entered by counsel, upon their attorney(s), a copy of every pleading, motion or other document
12 submitted for consideration by the Court. Plaintiff shall include with the original document
13 submitted for filing a certificate stating the date that a true and correct copy of the document
14 was mailed or electronically filed to the defendants or counsel for the defendants. If counsel
15 has entered a notice of appearance, Plaintiff shall direct service to the individual attorney
16 named in the notice of appearance, at the physical or electronic address stated therein. The
17 Court may disregard any document received by a district judge or magistrate judge which has
18 not been filed with the Clerk, and any document received by a district judge, magistrate judge,
19 or the Clerk which fails to include a certificate showing proper service.

20 9. Plaintiff's motion to submit evidence, motion for appointment of counsel, and
21 motion to extend prison copy work limit (ECF No. 17, 18, 23) are denied without prejudice.

22 DATED: November 17, 2016.

23

24

25



26 UNITED STATES MAGISTRATE JUDGE

27

28